

# RESTORING CIVIL RIGHTS AND/OR SETTING ASIDE A JUDGMENT

**YOU CAN USE THIS PACKET IF THE FOLLOWING IS TRUE:**

- ☐ YOU WANT YOUR CIVIL RIGHTS RESTORED AND/OR  
YOUR JUDGMENT SET ASIDE

## FOR RESTORING CIVIL RIGHTS:

- ☐ YOU WERE SENTENCED FOR A FELONY IN:  
☐ FEDERAL COURT AND YOU LIVE IN COCONINO  
COUNTY  
OR ☐ COCONINO COUNTY SUPERIOR COURT
- ☐ YOU WERE DISCHARGED FROM:  
☐ PRISON AT LEAST TWO YEARS AGO  
OR ☐ PROBATION

## FOR HAVING A JUDGMENT SET ASIDE:

- ☐ YOU WERE SENTENCED FOR A CRIMINAL OFFENSE IN  
COCONINO COUNTY SUPERIOR COURT
- ☐ YOU WERE DISCHARGED FROM PROBATION OR PRISON

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

## INSTRUCTIONS

Read all forms and instructions before starting. Fill out forms by printing in blue ink or typing. Do not fill in un-numbered blanks on forms.

**Notaries:** Some forms must be signed in front of a notary. Notaries are at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

### STEP 1: MAKE SURE YOU MEET THIS PACKET'S REQUIREMENTS

**Make sure you meet the criteria listed on the Coversheet.**

**The court will not set aside your judgment if you were convicted of a crime:**

1. Involving the infliction of serious physical injury.
2. Involving the use or exhibition of a deadly weapon or dangerous instrument.
3. For which you were required or ordered by the court to register as a sex offender.
4. For which there was a finding of a sexual motivation under A.R.S. 13-118.
5. In which the victim was under age 15.
6. Involving a) driving on a public highway without having privilege to drive, b) a violation of a local ordinance relating to stopping, standing, or operating a vehicle, or c) a traffic violation under A.R.S. Title 28, Chapter 3 (reckless driving) -- except A.R.S. 28-693 or any local ordinance relating to the same subject matter as 23-693.

(A.R.S 13-907(B))

<b>You may ask the court to restore your right to possess a gun or firearm:</b>	<b>If you were convicted of:</b>
Never	A dangerous offense as defined by A.R.S. 13-604
10 years after discharge from probation or absolute discharge from prison	A serious offense as defined by A.R.S. 13-604
2 years after discharge from probation or absolute discharge from prison	Any other felony offense

In most cases, restoring civil rights and/or setting aside a judgment is at the court's discretion.

### STEP 2: IF YOU WANT YOUR RIGHTS RESTORED: GET PROOF OF YOUR DISCHARGE

<b>If You Were Sentenced in:</b>	<b>And You Were Discharged From:</b>	<b>Get the Following Proof:</b>
Superior Court	Probation	No proof needed
	Prison	A certificate of absolute discharge from the director of the state department of corrections
Federal Court	Probation	An affidavit of discharge from the judge who discharged you
	Prison	A certificate of absolute discharge from the director of the federal bureau of prisons

You must make a diligent effort to get this proof.

**STEP 3: FILL OUT THE APPLICATION TO RESTORE CIVIL RIGHTS AND/OR SET ASIDE A JUDGMENT**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) If you were sentenced in superior court, enter the case number as it appears on the court order that sentenced you.
- (4) Check the box(es) indicating whether you want your civil rights restored, your judgment set aside, or both.
- (5) Enter your address and phone number.
- (6) Enter the date you were convicted, each crime for which you were convicted, the date you were sentenced, the name of the court that sentenced you, and the name of the judge who sentenced you.
- (7) If you were on probation, enter the date your probation began, the date it ended, and the date the court signed the order ending it.
- (8) If you want your rights restored, check each box indicating which rights you want restored.
- (9) If you want your rights restored and you were sentenced in superior court, check the box. Check the box indicating whether you were discharged from probation or prison. If prison, attach a certificate of absolute discharge from the director of the state department of corrections, or explain why you don't have one.
- (10) If you want your rights restored and you were sentenced in federal court, check the box. Check the box indicating whether you were discharged from probation or prison. If probation, attach an affidavit of discharge from the judge who discharged you, or explain why you don't have one. If prison, attach a certificate of absolute discharge from the director of the federal bureau of prisons, or explain why you don't have one.
- (11) If you want your right to possess a gun or firearm restored, check the box indicating the true statement.
- (12) If you want your judgment set aside, check the box.
- (13) Check the box indicating whether you were discharged from probation or prison.
- (14) Read the Application and make sure that you understand everything in it and that everything in it is true. Sign in front of a notary.

**STEP 4: FILL OUT THE ORDER RESTORING CIVIL RIGHTS AND/OR SETTING ASIDE A JUDGMENT**

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) If you were sentenced in superior court, enter the case number as it appears on the court order that sentenced you.
- (4) Check the box(es) indicating whether you want your civil rights restored, your judgment set aside, or both.

- (5) Enter the date you were convicted, each crime for which you were convicted, the date you were sentenced, the name of the court that sentenced you, and the name of the judge who sentenced you.
- (6) Check the box indicating whether you were discharged from probation or prison.

#### **STEP 5: FILE THE FORMS WITH THE COURT**

Take or mail the original and one copy of the following to the Clerk's Office in the Coconino County Courthouse at 200 N. San Francisco St., Flagstaff, AZ 86001.

- ☐ Application to Restore Civil Rights and/or Set Aside a Judgment, with the following attached if applicable:
  - ☐ Certificate of absolute discharge from state prison
  - ☐ Affidavit of discharge from probation
  - ☐ Certificate of absolute discharge from federal prison
- ☐ Order Restoring Civil Rights and/or Setting Aside a Judgment

The Clerk will stamp your copy with the filing date and return it to you for your records. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the date-stamped copy to you.

#### **STEP 6: THE COURT WILL SEND YOU AN ORDER**

The judge may do one of the following:

- ☐ Grant your requests
- ☐ Deny your requests
- ☐ Schedule a hearing to ask you questions
- ☐ Make other orders the judge thinks proper

The court will mail you a copy of the Order explaining the judge's decision. Read it carefully and make sure you understand everything it says.

#### **STEP 7: IF THE JUDGE SETS A HEARING: GO TO THE HEARING**

See the Self-Help Center packet *Representing Yourself in Court* for general information about representing yourself at a hearing.

(1) Person Filing: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Representing Self \_\_\_\_\_

**SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO**

In re the Application of \_\_\_\_\_

(3) Case No. \_\_\_\_\_

(2) \_\_\_\_\_  
Defendant, To Restore Civil Rights and/or Set  
Aside a Judgment

**APPLICATION TO:**

(4) ☐ **RESTORE CIVIL RIGHTS**  
☐ **SET ASIDE A JUDGMENT**

(5) My Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

(6) Date I Was Convicted: \_\_\_\_\_  
Crimes for Which I Was Convicted: \_\_\_\_\_  
Date I Was Sentenced: \_\_\_\_\_  
Court That Sentenced Me: \_\_\_\_\_  
Judge Who Sentenced Me: \_\_\_\_\_

(7) Date My Probation Began: \_\_\_\_\_ Date My Probation Ended: \_\_\_\_\_  
Date of Court Order Ending My Probation: \_\_\_\_\_

(8) **I ask the court to restore the following of my civil rights:**  
☐ **the right to possess a gun or firearm** ☐ **all other rights**

(9) ☐ I was sentenced for a felony in this court.  
☐ I was discharged from probation.  
☐ I was discharged from prison at least two years ago. A certificate of absolute  
discharge from the director of the state department of corrections is attached, or I  
was unable to get one because: \_\_\_\_\_

(10) ☐ I was sentenced for a felony in federal court and I live in Coconino County.  
☐ I was discharged from probation. An affidavit of discharge from the judge who  
discharged me is attached, or I was unable to get one because: \_\_\_\_\_  
☐ I was discharged from prison at least two years ago. A certificate of absolute  
discharge from the director of the federal bureau of prisons is attached, or I was  
unable to get one because: \_\_\_\_\_

(11) If I'm asking the court to restore my right to possess a gun or firearm:

☐ I was not convicted of a dangerous or serious offense as defined by A.R.S. 13-604, and it has been at least two years since the date of my discharge from probation or absolute discharge from prison.

☐ I was convicted of a serious, but not dangerous, offense as defined by A.R.S. 13-604, and it has been at least ten years since the date of my discharge from probation or absolute discharge from prison.

(12) ☐ **I ask the court to set aside my judgment.**

(13) This court sentenced me for one or more crimes, and I have been discharged from:

☐ probation ☐ prison. No crime for which I was convicted is a crime listed in A.R.S. 13-907(B).

I have read this Application, and it is true and complete to the best of my knowledge.

(14) Defendant's Signature: \_\_\_\_\_

State of Arizona )

)

County of \_\_\_\_\_ )

Subscribed and sworn before me this date: \_\_\_\_\_ by: \_\_\_\_\_

Seal:

Notary Public: \_\_\_\_\_

Notary Expiration Date: \_\_\_\_\_

(1) Person Filing: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Representing Self

**SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO**

In re the Application of

(3) Case No. \_\_\_\_\_

**ORDER:**

(2) \_\_\_\_\_  
Defendant, To Restore Civil Rights and/or Set  
Aside a Judgment

(4) ☐ **RESTORING CIVIL RIGHTS**  
☐ **SETTING ASIDE A JUDGMENT**

(5) Date Defendant Was Convicted: \_\_\_\_\_  
Crimes for Which Defendant Was Convicted: \_\_\_\_\_  
Date Defendant Was Sentenced: \_\_\_\_\_  
Court That Sentenced Defendant: \_\_\_\_\_  
Judge Who Sentenced Defendant: \_\_\_\_\_

(6) Defendant has been discharged from: ☐ probation ☐ prison. Defendant has met the statutory requirements for the following order(s):

- ☐ The following of Defendant's civil rights, suspended due to the conviction above, are restored:
- ☐ The right to vote
  - ☐ The right to hold public office of trust or profit
  - ☐ The right to serve as a juror
  - ☐ Any other rights, other than the right to possess a gun or firearm, which were suspended during imprisonment
  - ☐ The right to possess a gun or firearm which was suspended pursuant to A.R.S. 13-904

- ☐ Defendant's judgment of guilt is set aside, the accusations or information is dismissed, and Defendant is released from all penalties and disabilities resulting from the conviction other than those imposed by the department of transportation pursuant to A.R.S. 28-3304, 28-3306, 28-3307, or 28-3308, except that the conviction may be used as a conviction if it would be admissible had it not been set aside and may be pleaded and proved in any subsequent prosecution of Defendant by the state or any of its subdivisions for any offense or used by the department of transportation in enforcing the provisions of A.R.S. 28-3304 or 3306-8 as if the judgment of guilt had not been set aside.

Date: \_\_\_\_\_

\_\_\_\_\_  
Superior Court Judge/Justice of the Peace/Magistrate  
(Presiding Superior Court Judge if the conviction was in  
the U.S. District Court)